



A PROSECUTOR'S GUIDE TO PROVE OUT-OF-STATE DUI OR DWI CONVICTIONS PUBLISHED

For a prosecutor, proving a Driving Under the Influence (DUI) or Driving While Intoxicated (DWI) case can be hard enough. When compared to obtaining documentation to prove a prior DUI conviction in another state, however, it seems easy. Each state has its own procedures for recording this information and for releasing it to another state. To help ease these difficulties, the National Traffic Law Center (NTLC) of the American Prosecutors Research Institute developed a manual with information for all states, territories, and the District of Columbia.

Prior Conviction in DUI Prosecutions: *A Prosecutor's Guide to Prove Out-of-State DUI/DWI Convictions* is organized alphabetically by state. For each jurisdiction, the manual lists information about driving records, court information, case law, and state statutes. Using this information will help a prosecutor obtain the right information at the right time.

Driving Records

Practical information in this section include the address and phone numbers of state agencies where driving records may be obtained, procedures and information needed to request driving records, required fees and length of time to fill a request, details and extent of data, and whether the record can be certified. There is a sample form prosecutors can use to request a driving record.

Court Information

This section lists the addresses and phone numbers of court administrators who can help identify the court that entered the prior DUI information. Court administrative offices can help obtain certified

copies of prior DUI or DWI convictions from the court of conviction. There is a sample form to use when requesting DUI or DWI court conviction records.

Case Law

This section has a citation list of relevant case law to help interpret the elements of another jurisdiction's DUI or DWI statutes, including *operation or control of vehicle*, *under the influence*, *public way*, *burden of proof*, and the *elements* in general of DUI or DWI.

State Statutes

For each jurisdiction, the DUI or DWI statutes from 1988 to 1994 are provided, where available. A practical chart and citation list helps locate the relevant statute for a particular year.

An Example

For example, a prosecutor in Georgia wants to find out if a defendant has a prior DUI /DWI conviction in Alabama. By turning to the Driving Record section for Alabama, the prosecutor will find the address and phone number for the agency that issues drivers licenses and maintains driving records. The request must be in writing and contain the defendant's full name, date of birth, and license number. Alabama's driving record information will include all crashes and traffic convictions for the past five years, license status and number, the defendant's last known address, date of birth, social security number, and type of license. The record can be certified. In Alabama, the fee is five dollars and a certified driving record will be returned three to five days after the request is received.



In some jurisdictions, the court of conviction also appears on the driving record. Other jurisdictions code their driving records. Upon request, they will send prosecutors a list of court codes to identify the court where the conviction was entered.

Once a driving record that shows a prior conviction is received, the prosecutor can obtain a certified copy of the DUI or DWI conviction. The Court Contact section of the manual explains the steps. In Alabama, the county of the convicting court appears on the driving record and is not coded. Looking in the Court Contact section for Alabama, the prosecutor is directed to contact the Administrative Director of the Courts in Montgomery, Alabama. This agency can give the prosecutor the address and telephone number of the clerk's office in the proper court, to obtain a certified copy.

Statutes and case law citation are included for each jurisdiction. These help a prosecutor to prove that a prior conviction in another jurisdiction constitutes a prior conviction under the laws of the current jurisdiction. The statutes should be used only as research tools, and should not be considered as a replacement for the official version of the statute. In Alabama, the statutes are provided in full text from 1989 to 1994.

HOW TO ORDER

To order *Prior Convictions in DUI Prosecutions*, call Michie toll free at 800-562-1197 or visit Michie's web site at www.michie.com. This 1058 page, softbound manual is priced at \$100. Use item number 61441 when ordering.

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